

August 26, 2014

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on August 26, 2014.

Mayor Holeman called the meeting to order and declared a quorum present.

Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cegelka, Councilwoman Cheatham, Councilwoman Hedgepath, Councilman Lorenzo and Councilwoman Garcia Montes.

Attorney Feintuch was present at this meeting.

ABSENT: Councilman Glass.

Motion to accept the minutes of August 12, 2014 as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

CORRESPONDENCE:

CARD FROM AMY - We received a thank you card from our CFO for the flowers sent when her Mom passed away.

INFORMATION FROM BILL ISSELIN - This is regarding Clean Communities and the 5% cap on salaries. I will give everyone a copy of this. (Letter was read in full at the meeting).

INVENTORY LIST - Everyone has a copy of the inventory list from DPW. Councilwoman Montes said there were some things there that she didn't understand. Councilwoman Cegelka asked how come the trucks aren't listed? You asked for an inventory of equipment. You didn't ask for trucks. You wanted to know what type of tools they had and the condition. Councilman Lorenzo will make the sheets with more space in the columns. We need to purchase some things for the men.

WORKERS COMP CLOSING NOTICE - They have written to inform you that we have closed the workers comp claim for our employee, Lorenza Bly.

CERTIFICATION OF FUNDS - Everyone has a copy of Amys certification of funds for the DOT Grant and the Capital Improvement Fund.

LETTER FROM VALERIE WILLIAMS - She wanted the Council to know that she has been asking for Planning Board tapes and has not received them yet. She is asking for the Planning Board Chairman to ask the Planning Board Clerk for these tapes.

LETTER FROM VALERIE WILLIAMS - Everyone copied. This is regarding a picture she sent us with wood chips to 28 Adams Avenue. Councilwoman Montes said that she would like to say something about this. This is her house and there are wood chips there. Victory Gardens did not pay for these wood chips. My neighbor asked if they could be put there. We will both be using them.

Attorney Feintuch said that a letter should go to Valerie Williams. Council asked the Clerk to send a letter to Valerie.

Motion to accept the correspondence by Councilwoman Cheatham, seconded by Councilwoman Motes and approved on verbal vote. None opposed.

VOUCHERS:

There were no questions on the vouchers. Councilwoman Cegelka stated that # 8046 should be Clerks S & W. There were no other comments.

Motion to approve the vouchers for payment by Councilwoman Cheatham, seconded by Councilwoman Montes and approved on roll call:

Councilwoman Cegelka	Yes
Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

(See Vouchers Next Page)

VOUCHER REPORTS

Month of
August 2014

Date	Voucher #	Payable to:	Type of Service	Acct. #	Amount
8/26/14	8-031	AmeriHealth	Group Insurance		\$ 8,068.84
8/26/14	8-032	Horizon BCBS of NJ	Group Insurance		\$ 704.67
8/26/14	8-033	United Healthcare Ins. Co.	Group Insurance		\$ 352.87
8/26/14	8-034	JCP&L	Utilities		\$ 364.96
8/26/14	8-035	JCP&L	Street Lighting		\$ 680.75
8/26/14	8-036	JCP&L	Fire OE		\$ 48.61
8/26/14	8-037	Home Depot Credit Serv.	Bldgs & Grnds OE		\$ 203.91
8/26/14	8-038	Golub Animal Hosp.	Dog OE		\$ 868.00
8/26/14	8-039	Phil Feintuch, ESQ	Legal OE		\$ 4,725.00
8/26/14	8-040	Verizon	Utilities		\$ 199.74
8/26/14	8-041	Verizon	Utilities		\$ 78.76
8/26/14	8-042	Sunnyside Florist	Clerk OE		\$ 65.00
8/26/14	8-043	Auto Parts Store CarQuest	Road OE		\$ 116.44
8/26/14	8-044	NJ Natural Gas Co.	Utilities		\$ 930.00
8/26/14	8-045	Eric M. Berstein & Assoc.	Planning Board OE		\$ 36.00
8/26/14	8-046	Deborah Devery	Clerk SW		\$ 690.00
8/26/14	8-047	Hector Lorenzo	Streets & Roads SW		\$ 1,244.80
8/26/14	8-048	Edwardo Martinez	Streets & Roads SW		\$ 2,133.60
			TOTAL		\$21,511.95

DEPARTMENT REPORTS:

BUILDING DEPARTMENT - 4 permits issued for a total value of construction of \$45,155.

PROPERTY MAINTENANCE - Everyone has a copy of Rons report.

MUNICIPAL COURT - We received \$645.74 from the court.

TAX COLLECTOR - Total Taxes Month To Date:	\$104,195.93
" " Year To Date:	\$948,870.35

REGISTRAR - 2 marriage licenses issued for a total collected: \$56.00

CFO - Everyone has a copy of Amys report.

COMMITTEE REPORTS:

Councilwoman Cegelka - Joan gave everyone a copy of the estimates she received for the doors at Borough Hall. If everyone can look them over we can discuss at the next meeting. None do electricity so we would have to bid that out also. Has the heater at the firehouse been fixed? Someone looked at it and cleaned it and he said it was fine. We will keep a check on it though the Mayor said. Joan asked about the water lines. The Mayor said they spoke about inspecting water lines. They aren't sure when they are going to get to it and they would let us know. How are the repairs going to the firehouse. They are working on it. They did the sheetrock in the mens bathroom. They have not cleaned the fire house yet. September 10th that week they are suppose to clean. Why don't we ask contractors to come in and talk to us about the generator. Leon is doing some background work with the gas company and the electric company. We have to make sure the lines are big enough to feed the generator. Leon is talking about a 70-80 kilowatt generator. Leon has to lay it out for us so all contractors can bid on the same specs. Are we looking at health benefits? Yes Amy and I are looking to the State Health Benefits Plan. Also for the Attorney, I asked him to explain how Victory Gardens is spending \$100,000 a year to Dover and in the next ten years we would be giving them a million dollars. You explained this to the Council at one time. The Attorney said the Attorney we had for this case figured it out as to how much more we were paying than he felt the normal formula would be. Joan said he figured that out based on the 2009/10 school year. The Attorney said he figured it out at the time it was presented to him. I don't remember what year it was.

Councilwoman Montes asked if this is when they said that Joan inflated the budget? Yes. I thought after that Joan said there would be a formula that Dover would be using that they would generate their budget and we would be paying a percentage of that tax levy that was generated. I don't know the Attorney said. Can we send a letter to Dover for the names and number of kids that are going to Dover so we can make sure we are paying the right percentage to Dover. A letter has to come from the town. Council agreed to have the Clerk send a letter to Dover for this information.

The Mayor asked if we can get this information because he remembers when we had a Board of Education Joan said we couldn't get that information. What about special ed kids. They can give us that also. You had a Board of Ed. So when we had our own Board we couldn't get the information but now we can. We were denied names and addresses because I went to those meetings and the information was with held. We wanted a head count of special ed and we were told we couldn't get it. If I told you that I was wrong. Councilwoman Hedgepath said she remembers that those children could go where they wanted we didn't have the right to place them in a certain school. We never got information. Joan said when the parents and child go before the child study team they decide where the child would go. The Boards of Education don't have a say so in that.

Councilwoman Cheatham - No report.

Councilwoman Hedgepath - We have given copies to everyone regarding the website. We are still waiting on another proposal. Once we get that we will give it to everyone. We are checking other places also. Mr. Janone gave Vera some websites but we want someone local. This will be put on the agenda for the next meeting.

Councilman Lorenzo - We need to look at the list Eddie made. We need to replace a lot of this list. We need to do it right away. The Attorney said we should do a resolution at the next meeting saying that they can spend \$3,000 on the items on this list. Also, we should add an extra \$1,000 for the items on the last list that were safety items. Attorney Feintuch will do a resolution for the next meeting. We have to remember that sand and salt and other things do come out of this line item for DPW.

Councilwoman Montes - Nothing at this time except in October we have the Halloween Party. The firehouse needs to be cleaned for the party.

Motion to accept and put on file all reports by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

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NEW BUSINESS: NONE

OLD BUSINESS:

Attorney Feintuch said he was absent from the last meeting but he understands that Council decided they didn't want to award the contract to Mark Paving because a difference in the scope of work and the price. The Attorney said there is a price. The price is what the bid was. In all contracts there are possibilities that the amount will change with work order changes. Different things come up during construction or things are different once they get involved. I didn't sign these contracts because I wanted to see what you wanted to do with this contract tonight. The bid is for x amount of dollars and that is what the award has to be.

Councilwoman Montes said it was suppose to be lower because they are not doing paving on private property. We do have an amount from Leon which was approximately \$1,500. You can make the ordinance different from the bid because then the bid is no good. We have to honor the bid. Councilwoman Cegelka said then if we aren't doing private property then we should rebid. No, that is going to be terribly expensive.

The bid price from Mark Paving was \$68,765.71 . We did award to Mark Paving for the project. The problem was that we were waiting to hear from Leon what the difference in price would be.

You accepted these bids as is. The ordinance has to match the contract. If you are having problems with the figures as they are then you will have to rebid the project. You will have many other things to look at that may cost you more money. You will have to pay your Engineer to do the specs over again with the changes. You will have to go out to bid again which will cost for advertising. There are other expenses.

We changed the contract anyway by taking out the work on private property. Yes, but you do that change with a work order change paper. You don't just change the amount of the contract at will. Leon explained why he was doing the piece of private property.

This is my legal opinion. You can rebid if you want but I can't let you do something that is illegal.

Councilwoman Cegelka said that when we did Coolidge Avenue we said no on private property. With this Monroe project we again said no with seaming the project into private property. Why did he try to do it again with this project? The Attorney said you can't do a private job on private property. But if the private property goes into the town property it is a natural thing to even it out that would not be doing private property. It is protecting the major job that the Borough is doing. As Leon said, if it is a bad seam then the work you did would start cracking and would eventually erode the job. It is his opinion to do it that way and he is the expert.

The Attorney said he can only say what the law is. I have told you that. If you decide to go out to rebid it will most likely cost you more than the \$1,500 you are saving.

Councilwoman Hedgepath asked what the correct amount of money is that we are talking about? \$1,500 or \$15,000. The Attorney said it would be approximately \$3,000. However the Clerk said she was told by Leon that it would be approximately \$1,500. Councilwoman Cegelka said that is what she received from Leon also, \$1,500. That is why she thought it should be a detailed calculation. The Attorney said Leon can't be sure because no one is certain how much asphalt will be used. Councilwoman Cegelka said they are professionals and they can figure how much of something they will need. The Attorney said that they can calculate but it isn't always right on target.

Motion was made by Councilwoman Cheatham to go forward with the contract awarded to Mark Paving for \$68,765.71 as originally designed. Seconded by Councilwoman Hedgepath. Roll call:

Councilwoman Cegelka	No
Councilwoman Cheatham	Yes
Councilwoman Hedgepath	Yes
Councilman Lorenzo	No
Councilwoman Garcia Montes	No

Motion denied.

Council wants to rebid project. The Attorney asked the Clerk to notify Leon Hall that the contract was not approved. The Clerk said she would call him tomorrow.

OLD BUSINESS:

CAPITAL ORDINANCE - Since we aren't doing the project there is no sense in introducing the ordinance.

Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Jim Janone - I think on the grant you have 18 months to get the work completed once the grant is awarded. You did the right thing with this contract. Randolph Computer is a computer repair. They do not do websites. Councilwoman Hedgepath said they do computer websites. Jim asked the Clerk if she ever got anything from Bill Close. No. There was never a letter or email from him. The Engineer says we need a 70-80 kw for the generator. That is what he said. The Clean Communities funding He doesn't do enforcement or litter abatement.

No other comments from the public.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cegelka and approved on verbal vote. None opposed.

The Mayor said we are going into closed session for litigation on RVRSA.

Motion to close the closed session meeting by Councilwoman Montes, seconded by Councilwoman Cegelka and approved on verbal vote. None opposed.

Motion to reopen to our regular meeting by Councilman Lorenzo, seconded by Councilwoman Montes and approved on verbal vote. None opposed.

Motion was made by Councilwoman Montes to have the Monroe Avenue Project go out to rebid for same plans except for the private property modifications, seconded by Councilman Lorenzo and approved on roll call:

Councilwoman Cegelka	Yes
Councilwoman Cheatham	No
Councilwoman Hedgepath	No
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk